IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 23337 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VIKASHCHANDRA CHANDRA BHUSHAN PRASAD - Petitioner(s)

Versus

PRINCIPAL-PRINCIPAL COLLEGE OFVETERINARY SCIENCE & ANIMAL & 1 - Respondent(s)

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Appearance :

MR R.K.MANSURI for Petitioner(s) : 1,
NOTICE SERVED for Respondent(s) : 1 - 2.
MR DG CHAUHAN for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 24/01/2006

ORAL JUDGMENT

1.By way of this petition under Articles 226 and 227 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or order for

quashing and setting aside the decision of the respondent No.2 – The Registrar, Gujarat Agricultural University, Dantiwada, District: Banaskantha vide communication dated 19.11.2005 in refusing to grant permission to register in third semester i.e. refusing to grant request of the petitioner for granting re-registration in third semester of the year 2005-2006.

2. It is the case on behalf of the petitioner that petitioner got admission in the respondent No.2 University and has successfully attended the Sessions of 2002. He completed first year in December-2003 and third semester in June-2004 but the petitioner failed to attend the fourth semester due to his ill health and thereafter, he approached the Principal for re-registration but he was not allowed and therefore, he gave application on 16.12.2004 with Medical Certificate suffering from Hapatities diseases for three months for which he failed to attend the college and was not allowed for the said semester. It is the case on behalf of the petitioner that by communication dated 11.1.2005 the college disallowed the re-registration of the petitioner however, it is the case of the petitioner that the Principal of the college advised the

petitioner to give written application so that his case can be put before the Academic Council and accordingly, the petitioner submitted an application. It appears that thereafter by communication dated 19/21.11.2005 the petitioner is communicated the decision of the Academic Council informing the petitioner that the petitioner does not qualify for re-registration in the third semester and therefore, the petitioner has preferred the present Special Civil Application.

3. Shri R.K.Mansuri, learned advocate appearing on behalf of the petitioner has submitted that the petitioner after having attended third semester went to his native at Bihar and in fact, he was to report within 10 days for registration for fourth semester but on 25.6.2004 he was sick and due to illness he cannot go to Dantiwada/college and thereafter, the petitioner approached the respondents but the application of the petitioner for re-registration was not considered and therefore, it is requested to allow the present Special Civil Application.

4. In response to the notice issued by this Court, Shri D.G.Chauhan, learned advocate appears on behalf of the

respondents and has filed affidavit-in-reply on behalf of the respondent No.2. It is submitted by him that the present Special Civil Application is required to be dismissed on the ground of suppression of material fact. It is submitted in the affidavit-in-reply that the petitioner had committed theft of Rs.100/-from one Jayvir S.T.D. Parlor and for that he was punished. It is also submitted in the affidavit-in-reply that he was involved in internal quarrel among the students themselves in hostel premises and that the petitioner left the college without taking prior permission of the Principal of the college and went to his native place Bihar and he did not apply for the re-registration with the University within the prescribed time limit. It is also further submitted in the affidavit-in-reply that the petitioner was trying to get admission at Bihar in Rajendra Agricultural University, Bihar, Pusa (Samastipur) and therefore, the petitioner did not report for getting admission in fourth semester and having failed to get admission thereafter, the petitioner has approached for registration in fourth semester and the said fact has been suppressed by the petitioner. It is also further submitted by Shri Chauhan, learned advocate appearing on behalf of the

respondents that in fact, the application of the petitioner was placed before the Academic Council of the University and the Academic Council did not find him qualify for re-registration in the third semester and therefore, it is requested to dismiss the present Special Civil Application.

5.Heard the learned advocates appearing on behalf of the parties.

6.It is required to be noted that the petitioner has not stated correct facts before the Court. Apart from the fact that the petitioner has not stated anything with regard to earlier punishment and involving in internal quarrel among the students themselves in the hostel premises and even the petitioner has also not stated that petitioner was trying to get admission in the Rajendra Agricultural University, Bihar, Pusa (Samastipur). The petitioner failed to get admission and therefore, the reasoning given by the petitioner that he was sick and therefore, he could not apply for the registration in the fourth semester cannot be accepted. It is required to be noted that the petitioner was required to register his name for fourth

semester within 10 days after completion of third semester to which the petitioner has failed and the petitioner left for his native i.e. Bihar without even informing the Principal and had requested for re-registration after a period of approximately 2 years. The case of the petitioner was also placed before the Academic Council and the Academic Council has also taken a decision rejecting the request/application of the petitioner for re-registration and therefore, considering the aforesaid facts and circumstances and the averments in the affidavit-in-reply, it cannot be said that the decision of the respondents is in any way illegal and/or arbitrary and/or dehors the provisions of the law which requires to be interfered with by this Court exercising powers under Articles 226 and 227 of the Constitution of India.

7. Under the circumstances, there is no substance in the present Special Civil Application and the same is required to be dismissed and is, accordingly, dismissed.

(M.R.SHAH, J.)

kdc.